



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

April 18, 2012

MuckRock News
DEPT MR 1244
P.O. Box 55819
Boston, MA 02205-5819

Tracking No.: OGE FOIA FY 12/28

Dear Mr. Smathers:

This letter responds to your Freedom of Information Act (FOIA) request for "all emails to or from Don W. Fox that were created between 1-1-12 and the date this request is processed." The request was received by the OGE FOIA Office on April 13, 2012.

In your request letter, you seek a waiver of fees. Pursuant to procedures established in 5 CFR § 2604.503(c), OGE relies on the following factors in determining whether the statutory standard for granting a fee waiver has been met:

- 1) Whether the subject of the requested records concerns the operations or activities of the Government.
- 2) Whether the information is likely to contribute to an understanding of Government operations or activities.
- 3) Whether disclosure of the requested information will contribute to the understanding of the public at large.
- 4) Whether the disclosure is likely to contribute significantly to public understanding of Government operations or activities.
- 5) Whether the requester has a commercial interest that would be furthered by the requested disclosure.
- 6) Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.


After review of your request, OGE has determined that your fee waiver justification was insufficient in detail for the records listed above, and you did not provide us with the necessary information to make an informed decision as to whether or not we can appropriately grant you a fee waiver. If you would like further consideration of your fee waiver request, please explain in detail how disclosure of the records requested would satisfy the requirements for a fee waiver. A detailed fee waiver justification should be provided for all information described in your request.

Alternatively, because you fall under the "all other requesters" fee category, you may be assessed search and duplication fees, excluding the first two hours of search time and the first 100 pages of duplication. The estimated fees for processing your request will total approximately \$868.00 in search and duplication costs. OGE requests that you pay the estimated fees prior to receiving the requested documents pursuant to 5 C.F.R. § 2604.504(c) because the fees exceed \$250.00. Please make your check or money order payable to the "Treasury of the United States," and send it to the Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917. In compliance with the FOIA regulations, the 20-business-day time frame for completing your FOIA request stops until payment is received. Once your payment and authorization are received, we will continue to process your request.

You may also confer with OGE personnel in order to reformulate the request to meet your needs at a lower cost. If OGE does not receive any communication from you within 30 calendar days from the date of this fee notification letter, your FOIA request will be considered "closed."

Based on the above information, this constitutes a denial of your fee waiver. The OGE official responsible for this FOIA determination is the undersigned. In accordance with the FOIA, as codified at 5 U.S.C. § 552(a)(6)(A), and OGE's FOIA regulations, at 5 C.F.R. § 2604.304, you may administratively appeal this denial of your request for a waiver of fees. The name and address of the OGE official to whom such an appeal would have to be submitted are: Don W. Fox, General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917. Any such appeal must be in writing and must be sent within 30 days of the date you receive this response letter. If you do appeal, you should include copies of your request and this response, together with a statement of why you believe this initial determination is in error. Also, if you appeal, you should clearly indicate on the envelope and in the letter that it is a "Freedom of Information Act Appeal."

Sincerely,


Kerri A. Cox
OGE Alternate FOIA Officer